

**IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF VIRGINIA
Norfolk Division**

UNITED STATES OF AMERICA,

v.

Case No.2:17-cr-00126

DARYL G. BANK

Defendant.

**DEFENDANT'S SUPPLEMENTAL RESPONSE TO MOTION TO
INQUIRE**

COME NOW, the Defendant Daryl G. Bank, by and through counsel, and pursuant to the direction of the Court notifies the parties of his intent to use the following documents in cross examination of Raeann Gibson:

1. Emails from Ms. Gibson and Mr. Renninger or vice versa dated September 21, 2016, January 14, 2017, January 16, 2017, January 16, 2017, January 17, 2017, January 19, 2027, January 19, 2017 and March 25, 2017.

The defendant concedes these are attorney client communications but for the reasons stated on the record and the reasons advanced in his earlier filings argues that the privilege has been waived and the documents are admissible for purposes of impeachment.

2. Emails from 2013: January 30, from Ms. Gibson to Lynne Shelton; February 1, from Ms. Shelton to Ms. Gibson; April 4, from Ms. Gibson to Catrina Davis; May 14, from Ms. Gibson to Tony Maranca, July 25, from Ms. Gibson to Tony Sellers; August 15, 2013 from Ms. Gibson to Tina Ellis; August 26, from Ms. Gibson to Billy Seabolt; August 26, from Jereme Lane to Ms. Gibson;

These emails are not protected by any attorney client privilege and predate any potential joint defense agreement.

3. Emails from 2014: March 11, from Ms. Gibson to Judy Wines; April 7, from Ms. Gibson to Billy J. Seabolt; April 7, from Deanna Picone to Ms. Gibson; May 27, from Mr. Bank to Les Revzon and Ms. Gibson; July 5, several emails between Ms. Gibson & Mr. Bank; July, 7 from Ms. Gibson to Mr. Seabolt; November 13, from Mike Alekic to Billy Seabolt with a copy to Ms. Gibson; December 9, from Terri Walsh to Ms. Gibson;

These emails have no attorney client protection and predate any joint defense agreement.

4. Emails from 2015: May 12, from Mr. Bank to Les Revzon with a copy to Ms. Gibson; May 19, from Ms. Gibson to Roger Hudspeth with a copy to Mr. Bank; December 15, from Ms. Gibson to John Norris with a copy to Betsy Woodruff and Roselyn Singer;

These emails have no attorney client privilege and if a joint defense agreement exists, it will be addressed under a separate

5. Emails from 2016: May 18, from Ms. Gibson to Glenn Reynolds, Singer Legal Group with a copy to Mr. Bank; May 27, from Ms. Gibson to Glenn Reynolds; June 26, from Mr. Bank to Greg Bodoh with a copy to Ms. Gibson; September 8, from Ms. Gibson to John Norris with a copy to Mr. Bank and Randy Singer;

The subject of joint defense agreement will be addressed under a separate pleading.

6. Emails from 2017: January 19, from Ms. Gibson to John Norris with a copy to Mr. Bank, Mr. Singer, Ms. Singer & Mike Aleksic;

The copy to Mike Alekic waives any possible confidentiality.

7. Emails from 2018: March 12, from Ms. Gibson to Kate O'Brien, (counsel's paralegal) with copies to the undersigned and Mr. Renninger; March 18, from Ms. Gibson to Mr. Renninger with copies to Kate O'Brien, the undersigned and Jason Wandner, former counsel to Mr. Bank; April 6, from Ms. Gibson to Ms. O'Brien, May 22, May 25, June 25, June 28, July 31, August 30 and October 25 with the same participants;

The subject of joint defense agreement will be addressed under a separate pleading.

8. The notes left behind by Ms. Gibson at the undersigned's office.

WHEREFORE, the Defendant moves the Court to allow cross-examination on these documents and their potential admission into evidence.

Respectfully submitted,
DARYL G. BANK

By: _____/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of March, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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